

REMARKS

This amendment is responsive to the final Office Action mailed on April 13, 2006. Claims 1, 3-12, and 14-23 were pending before the amendment, claims 9 and 22 have been cancelled, and claims 1, 8, 10, 11, 19, 21, and 23 have been amended. Applicants appreciate the Examiner's indication in the Office Action that claims 9, 10, 15, 19, 22, and 23 are allowable. In view of the foregoing amendments, as well as the following remarks, Applicants respectfully submit that this application is in complete condition for allowance and request reconsideration of the application in this regard.

Telephone Conference with Examiner

Applicants' undersigned representative appreciates the courtesy of a phone conference with the Examiner on August 1, 2006 to discuss dependent claims 15 and 19. During the phone conference, it was concluded that these claims were rejected in the Office Action, not objected to, due to a typographical error made in the Office Action. Claims 15 and 19 were indicated in the Office Action Summary as being "objected to." Although page 7 of the Office Action indicates that claims 15 and 19 are rejected over *Hirata* in view of *Nguyen*, the Examiner fails to supply specific disclosure from either reference to reject these claims. Applicants request that, because the error arises from conflicting information in the Office Action, the one-month time extension fee be excused. But for the conflicting information in the Office Action, Applicants' July 12, 2006 after-final response would have been entered and would have placed the application in complete condition for allowance.

Comments on the Response to Arguments

Applicants note that the Examiner's comment on page 3 of the Office Action to the effect that "the claim as presented is not patentable enforceable" should not be interpreted to negate, or in any way to effect, the enforceability of Applicants' claims.

Objection to the Specification

Applicants have amended the "Title of the Invention" as suggested in the Office Action. Accordingly, Applicants request that the Examiner withdraw the objection.

Objection to the Claims

Applicants have amended claim 10 to address the informality noted in the Office Action. Accordingly, Applicants request that the Examiner withdraw the objection.

Rejections of Claims

Claims 1, 3-6 and 11 stand rejected under 35 U.S.C. § 102(e) as anticipated by Hirata (U.S. Pub. No. 2004/0018138), hereinafter *Hirata*. Claims 7, 8, 11-13, 15, 16, and 18-21 stand rejected under 35 U.S.C. § 103(a) as unpatentable over *Hirata* in view of U.S. Pub. No. 2004/0169281 to Nguyen et al. (hereinafter *Nguyen*). Without conceding the impropriety of the rejection, Applicants have amended claim 1 to include the subject matter of original dependent claim 9, which the Examiner indicated as allowable. Without conceding the impropriety of the rejection, Applicants have amended claim 11 to include the subject matter of original dependent claim 22, which the Examiner indicated as allowable. Consequently, Applicants respectfully request that the Examiner withdraw the claim rejections.

Conclusion

Applicants have made a bona fide effort to respond to each and every requirement set forth in the Office Action. In view of the foregoing amendments and remarks, this application is submitted to be in complete condition for allowance and, accordingly, a timely notice of allowance to this effect is earnestly solicited. In the event that any issues remain outstanding, the Examiner is invited to contact the undersigned to expedite issuance of this application.

Applicants request that the Examiner consider and enter the Amendment. The claims, if amended as proposed, avoid the rejections set forth in the Office Action and, thus, the

Amendment places the application in condition for allowance. The claims, if amended as proposed, do not raise any issues of new matter. The claims, as amended, do not present new issues requiring further consideration or search.

Applicants do not believe fees are dues in connection with filing this communication. If, however, any fees are necessary as a result of this communication, the Commissioner is hereby authorized to charge any under-payment or fees associated with this communication or credit any over-payment to Deposit Account No. 23-3000.

Respectfully submitted,

August 1, 2006

Date

/William R. Allen/

William R. Allen, Ph.D.

Reg. No. 48,389

WOOD, HERRON & EVANS, L.L.P.

2700 Carew Tower

441 Vine Street

Cincinnati, Ohio 45202

Telephone: (513) 241-2324

Facsimile: (513) 241-6234